(S)

DS
14/12/07

(28)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.7392 of 2007

PETITIONERS

1. Rohit Kumar Sahu aged 42 years, s/o Shri Shiv Charan Sahu, Assistant Teacher, Govt. Primary School, Kuramatarai, Block and District Dhamtari(CG)
2. Jidham Ram Sahu aged 48 years, s/o Shri Sanwat Ram Sahu Assistant Teacher, Govt. Primary School, Mudpar, Block and District Dhamtari(CG)
3. Smt. Usha Jachak aged 44 years, w/o Shri Basant Rao Assistant Teacher, Govt. Primary School, Karetha, Block and District Dhamtari(CG)
4. Smt. Sangeeta Dukre aged 45 years, w/o Shri Chandra Shekhar Rao Assistant Teacher, Govt. Girls Primary School, Dhanitola Block & District Dhamtari(CG)
5. Toran Singh Sahu, aged 45 years s/o Shri Guha Ram Assistant Teacher, Govt. Primary School, Sivani, Block and district Dhamtari(CG)
6. Chetan Ram Netam aged 46 years, s/o Shri Ghasiys Ram Netam UTT Govt. Higher Sec. School, Amdi, Block and District Dhamtari(CG)
7. Mohan Lal Sahu aged 51 years, s/o Shri Daya Ram Sahu, UDT Govt. High School, Nari, Block and District Dhamtari(CG)

Versus

RESPONDENTS

1. The State Government of Chhattisgarh, Through the Secretary, Education Department, D.K.S. Bhawan, Raipur (C.G.)
2. The District Education Officer, Dhamtari(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Somkant Verma, counsel for the petitioners.

Ms. Sunita Jain, Panel Lawyer for the State on advance copy.

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ORAL ORDER
(13.12.2007)

SUNIL KUMAR SINHA, J

Heard on admission.

Learned counsel for the petitioners submits that the petitioners have passed D.Ed. examination on their own expenses, therefore, they are entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}***. He submits that the case of the petitioners is squarely covered by the said judgment.

This legal position is not disputed by the learned counsel for the State. However, she submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioners had acquired D.Ed. Examination Certificates on their own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether they have been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

Sunita